

REMARKS

Reconsideration of the above-identified application in view of the aforementioned amendments and following arguments is respectfully requested.

Claims 1-5, 9-17, 21-35, 39-50, 59-68, 73-80 and 82-86 have been canceled. Claim 81 is pending. Applicants appreciate the Examiner's notification that claim 81 is allowed.

Claims 9-17, 21-26, 39-50, 59-68 and 73-80 are rejected under 35 U.S.C. Section 112, first paragraph, as containing subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention.

While disagreeing with the Examiner's rejection, in order to expedite prosecution, claims 9-17, 21-26, 39-50, 59-68 and 73-80 have been deleted. Therefore, this rejection is now believed to be moot and should be withdrawn.

Claims 9-17, 21-26, 39-50, 59-68, and 73-80 are rejected under 35 U.S.C. Section 112, first paragraph, as being enabled for claims limited to maize plants containing the TCB trait from maize line W22-TCB (ATCC No. PTA-1601) and methods of using these plants.

While disagreeing with the Examiner's rejection, in order to expedite prosecution, claims 9-17, 21-26 39-50, 59-68 and 73-80 have been deleted. Therefore, this rejection is believed to be moot and should be withdrawn.

Claims 1-5, 9-17, 21-35, 39-50, 55-66, 74, 77 and 79 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Kermicle et al. (1990).

While disagreeing with the Examiner's rejection, in order to expedite prosecution, claims 1-5, 9-17, 21-35, 39-50, 59-66, 74, 77 and 79 have been deleted. Therefore, this rejection is believed to be moot and should be withdrawn.

Claims 1-5, 9-17, 21-35, 39-50, 59-68, 74-77 and 79-80 are rejected under 35 U.S.C. Section 103 as being obvious over Kermicle et al. (1990) taken with Nelson for the reasons stated in the last Office Action.

While disagreeing with the Examiner's rejection, in order to expedite prosecution, claims 1-5, 9-17, 21-35, 39-50, 59-68, 74-77 and 79-80 have been deleted. Therefore, this rejection is believed to be moot and should be withdrawn.

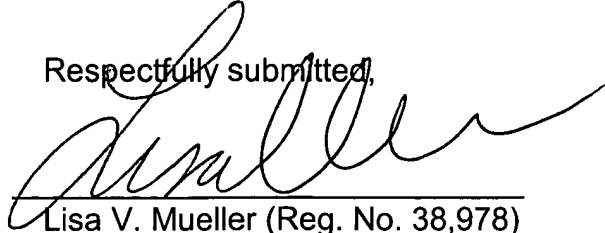
Applicants submit that since claim 81 is allowed that a Notice of Allowance be issued.

If any additional fees are incurred as a result of the filing of this paper, authorization is given to charge deposit account number 23-0785.



Respectfully submitted,

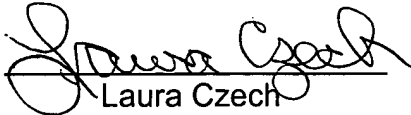
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